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**NOTICE OF APPEAL FROM THE EXAMINER**  
**TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant: Kirk Johnson

Application No.: 09/824,527

Group: 2143

Filed: April 2, 2001

Examiner: Joseph E. Avellino

Confirmation No.: 1065

For: METHOD AND APPARATUS FOR A MINIMALIST APPROACH TO  
IMPLEMENTING SERVER SELECTION

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated October 5, 2007 of the Examiner finally rejecting claims 1-51 and 61-89. The item(s) checked below are appropriate:

1.  Applicant hereby petitions to extend the time for filing a Notice of Appeal in response to the Office Action Made Final dated [ ] for [ ] month(s) from [ ] to [ ].
2.  A [ ] month extension of time to respond to the Office Action Made Final dated [ ] was filed on [ ] with payment of a \$[ ] fee.  
 Applicant hereby petitions for an additional [ ] month extension of time to respond to the Office Action Made Final.

## 3. Fees are submitted for the following:

<input type="checkbox"/>	Extension of Time for [ ] month(s)	\$[ ]
<input type="checkbox"/>	Additional Extension of Time:	
	Fee for Extension ([ ] mo.)	\$[ ]
	Less fee paid ([ ] mo.)	<u>\$[ ]</u>
	Balance of fee due	\$[ ]
<input checked="" type="checkbox"/>	Notice of Appeal	\$510
<input type="checkbox"/>	Other _____	\$[ ]
	TOTAL	<u>\$510</u>

## 4. The method of payment for the total fees is as follows:

- A check in the amount of \$510 is enclosed.
- Please charge Deposit Account No. 08-0380 in the amount of \$[ ].

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Mark B. Solomon  
Mark B. Solomon  
Registration No.: 44,348  
Telephone: (978) 341-0036  
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 10/30/07